

1 PETER C. ANDERSON  
2 UNITED STATES TRUSTEE  
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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

11 In re: ) Case No.: 2:17-bk-11972 RK  
12 )  
13 BEVERLY MONIQUE MURRAY- ) Chapter 7  
CALCOTE, )  
14 Debtor(s). )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
) **STIPULATION TO VOLUNTARILY**  
) **DISMISS CASE WITH A REFILING BAR**  
) **AS TO CHAPTER 7 ONLY IN LIEU OF**  
) **DENIAL OF CHAPTER 7 DISCHARGE**  
) **UNDER 11 U.S.C. § 727(a)(2), (a)(3), (a)(4)**  
) **and (a)(5); VACATING STATUS**  
) **CONFERENCE HEARING DATE; AND**  
) **CLOSING ADVERSARY PROCEEDING**  
)  
)  
)  
)  
Continued Status Conference in Related  
Adversary Case No.: 2:17-ap-01487 RK:  
Date: May 22, 2018  
Time: 1:30 p.m.  
Place: Courtroom 1675  
255 E. Temple Street  
Los Angeles, CA  
)  
)  
)  
)

24 TO THE HONORABLE ROBERT KWAN, UNITED STATES BANKRUPTCY  
25 JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, DEBTOR AND HER  
26 COUNSEL OF RECORD, AND ALL PARTIES IN INTEREST:

This Stipulation for dismissal of the bankruptcy case with a 8-year refiling bar as to Chapter 7 Only is made by and between the Debtor, BEVERLY MONIQUE MURRAY-CALCOTE, (“Debtor”), and the Office of the United States Trustee (“U.S. Trustee”), by and through their respective counsel of record, with reference to the following facts:

## **RECITALS**

1. On February 17, 2017 (the “Petition Date”), Defendant filed a voluntary, individual petition for relief under Chapter 7 of Title 11 of the United States Code in In re: Beverly Monique Murray-Calcote, Case No. 2:17-bk-11972 RK (the “Instant Case”).

2. Rosendo Gonzalez is the Chapter 7 trustee appointed for Defendant's bankruptcy case. The initial Chapter 7 § 341(a) in the Instant Case was set by the Court for March 24, 2017 and has been continued several times for the production of additional information and documents related to Defendant's § 341(a) examination to the present date of February 16, 2018.

3. The deadline for filing a complaint under 11 U.S.C. § 727, previously extended by the Court pursuant to a motion filed by Chapter 7 Trustee Gonzalez was September 29, 2017. On September 28, 2017, the U.S. Trustee timely filed a Complaint against Defendant for Denial of Discharge pursuant to 11 U.S.C. § 727(a)(2), (a)(3), (a)(4) and (a)(5) in the Instant Case, Adversary No. 2:17-bk-01487 RK (the “Adversary Proceeding”), alleging the concealment of the interest held by the Debtor and/or non-Debtor spouse in various assets.

4. On October 30, 2017, Defendant timely filed and served her "Answer to Complaint."

5. During the interim period, the parties, by and through their respective counsel of record, have conferred about the relevant issues arising between them. Based thereon, to obviate the need for further and formal litigation, including the continuing prosecution of the pending Adversary Action, the parties stipulate to the following relief in full resolution of all matters.

**ACCORDINGLY, IT IS HEREBY STIPULATED THAT:**

1       1. This case is hereby and immediately DISMISSED pursuant to 11 U.S.C. §§  
2       707(b)(3) and 707(a), with a 8-year refiling bar for any subsequent Chapter 7 case only, from the  
3       entry date of the Order approving this Stipulation;

4       2. The Debtor hereby agrees that she shall not and will not file a petition for relief  
5       under chapter 7 of Title 11 for a period of 8 years after the bankruptcy court's entry of the order  
6       approving this stipulation;

7       3. Any order previously entered granting the Debtor a discharge is VACATED;

8       4. Concurrently with the Court's approval of this Stipulation, the U.S. Trustee will  
9       formally withdraw the underlying adversary action seeking denial of Debtor's discharge under 11  
10      U.S.C. § 727(a)(2), (a)(3), (a)(4) and (a)(5). The parties agree that the Adversary Proceeding will  
11      be closed concurrently with the entry of the withdrawal of the underlying complaint;

12      5. Pursuant to this stipulated resolution, Chapter 7 Trustee Gonzalez and his court-  
13      approved professionals hereby agree to waive their respective fees and expenses incurred  
14      throughout the course of this bankruptcy case to investigate and attempt to administer estate assets.  
15      Under the terms of this stipulated resolution, Chapter 7 Trustee Gonzalez hereby agrees to return  
16      any and all estate assets, and potential estate assets, to the custody and possession of the holder or  
17      holders of said assets;

18      6. This Court has scheduled a continued status conference (the "Status Conference") on  
19      the Adversary Proceeding on May 22, 2018 at 1:30 p.m. However, in light of this resolution, the  
20      parties agree that the Status Conference may and should be removed from the Court's calendar  
21      upon entry of the Order Approving the instant Stipulation;

22      7. This Stipulation to Dismiss is intended to fully resolve the U.S. Trustee's pending  
23      adversary action to deny Debtor's discharge, and any and all related matters by and between the  
24      Debtor, Chapter 7 Trustee Gonzalez and the U.S. Trustee. Based thereon, and contemporaneously

1 with the entry of an order approving this Stipulation, the U.S. Trustee shall formally withdraw the  
2 pending adversary action, Adv. No. 2:17-ap-01487 RK, as resolved in full. Further, the Debtor,  
3 Chapter 7 Trustee Gonzalez and the U.S. Trustee hereby agree and stipulate to release any and all  
4 claims they have or may have as against the other in connection with the U.S. Trustee's pending  
5 adversary action to deny Debtor's discharge, and any and all related matters.

6 9. Each party hereto shall bear their own costs and expenses incurred in the underlying  
7 bankruptcy case, case no. 2:17-bk-11972 RK and all matters related thereto.  
8

9 10. The proposed order approving the instant Stipulation to Dismiss Case will be lodged  
10 with the Court by the U.S. Trustee via L.O.U. system.

11 IT IS SO STIPULATED AND AGREED:

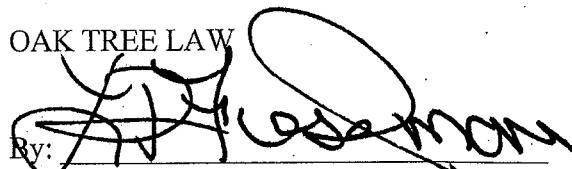
12 DATED: January 1, 2018

PETER C. ANDERSON  
UNITED STATES TRUSTEE

13 By:   
14 KENNETH G. LAU, Esq.  
15 Trial Attorney for Plaintiff U.S. TRUSTEE

16 DATED: January 25, 2018

OAK TREE LAW

17 By:   
18 LARRY FIESELMAN, Esq.  
19 CHRISTINA S. KIM, Esq.  
20 Attorneys for Defendant BEVERLY  
21 MONIQUE MURRAY-CALCOTE

22 DATED: January \_\_\_, 2018

CHAPTER 7 TRUSTEE

23 By:   
24 ROSENDO GONZALEZ

25 DATED: January \_\_\_, 2018

MARGULIES FAITH LLP

26 By:   
27 JEREMY FAITH, Esq.  
28 Attorney for Chapter 7 Trustee GONZALEZ

1 with the entry of an order approving this Stipulation, the U.S. Trustee shall formally withdraw the  
2 pending adversary action, Adv. No. 2:17-ap-01487 RK, as resolved in full. Further, the Debtor,  
3 Chapter 7 Trustee Gonzalez and the U.S. Trustee hereby agree and stipulate to release any and all  
4 claims they have or may have as against the other in connection with the U.S. Trustee's pending  
5 adversary action to deny Debtor's discharge, and any and all related matters.

6 9. Each party hereto shall bear their own costs and expenses incurred in the underlying  
7 bankruptcy case, case no. 2:17-bk-11972 RK and all matters related thereto.  
8

9 10. The proposed order approving the instant Stipulation to Dismiss Case will be lodged  
10 with the Court by the U.S. Trustee via L.O.U. system.

11 IT IS SO STIPULATED AND AGREED:

12 DATED: January \_\_\_, 2018 PETER C. ANDERSON  
13 UNITED STATES TRUSTEE

14 By: \_\_\_\_\_  
15 KENNETH G. LAU, Esq.  
16 Trial Attorney for Plaintiff U.S. TRUSTEE

17 DATED: January \_\_\_, 2018 OAK TREE LAW  
18

19 By: \_\_\_\_\_  
20 LARRY FIESELMAN, Esq.  
CHRISTINA S. KIM, Esq.  
21 Attorneys for Defendant BEVERLY  
MONIQUE MURRAY-CALCOTE

22 DATED: January 24, 2018 CHAPTER 7 TRUSTEE  
23

24 By: \_\_\_\_\_  
25 ROSENDO GONZALEZ  
26

27 DATED: January 24, 2018 MARGULIES FAITH LLP  
28

By: \_\_\_\_\_  
JEREMY FAITH, Esq.  
Attorney for Chapter 7 Trustee GONZALEZ

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**Office of the U.S. Trustee, 915 Wilshire Boulevard, Suite 1850, Los Angeles, California 90017-3560**

A true and correct copy of the foregoing document entitled (*specify*):

**Stipulation To Voluntarily Dismiss Case With A Refiling Bar As To Chapter 7 Only In Lieu Of Denial Of Chapter 7 Discharge Under 11 U.S.C. § 727(a)(2), (a)(3), (a)(4) and (a)(5); Vacating Status Conference Hearing Date; and Closing Adversary Proceeding**

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 02/01/18, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

**SEE ATTACHED SERVICE LIST (IF APPLICABLE)**

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:** On (date) 02/01/18, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**SEE ATTACHED SERVICE LIST (IF APPLICABLE)**

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 02/01/18, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

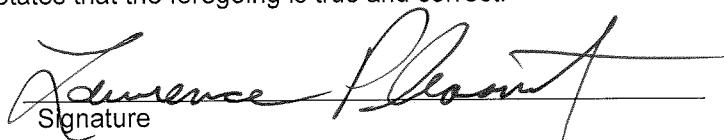
**SEE ATTACHED SERVICE LIST (IF APPLICABLE)**

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/01/18  
Date

Lawrence Pleasant  
Print Name

  
Signature

**ADDITIONAL SERVICE INFORMATION**

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

Name	Capacity	Email Address
Kenneth G. Lau	U.S. Trustee Trial Attorney	Kenneth.G.Lau@usdoj.gov
Jeremy Faith/ Noreen A Madoyan	Chapter 7 Trustee's Counsel	Noreen@MarguliesFaithLaw.com; Helen@MarguliesFaithlaw.com; Victoria@MarguliesFaithlaw.com ;Brian@MarguliesFaithlaw.com
Rosendo Gonzalez (TR)	Chapter 7 Trustee	rgonzalez@ecf.epiqsystems.com, vbowen@gonzalezplc.com ,rossgonzalez@gonzalezplc.com
Julie J Villalobos/ Larry Fieselman	Debtor's Counsel	julie@oaktreelaw.com, oakecfmail@gmail.com; r51108@notify.bestcase.com
United States Trustee (LA)		ustpregion16.la.ecf@usdoj.gov

***SEE NEF FOR CONFIRMATION OF ELECTRONIC TRANSMISSION TO THE U.S. TRUSTEE AND ANY TRUSTEE IN THIS CASE, AND TO ANY ATTORNEYS WHO RECEIVE SERVICE BY NEF.***

**2. SERVED BY U.S. MAIL**

**Debtor:**

Beverly Monique Murray-Calcote  
3166 West Ave M-2  
Lancaster CA 93536

**3. SERVED BY (state method for each person served):**

**FEDERAL EXPRESS OVERNIGHT MAIL**

Judge's Copy

The Honorable Robert Kwan  
U.S. Bankruptcy Court  
255 E. Temple Street, Room 940  
Los Angeles, CA 90012  
Attn: Mail Room Clerk-Judges Copies

**PERSONAL DELIVERY, FACSIMILE OR EMAIL**

Not Applicable